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**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

BILLY CEPERO,

Plaintiff,

vs.

DOUGLAS GILLESPIE et al.,

Defendants.

Case No. 2:11-cv-01421-JAD-NJK

**STIPULATION AND ORDER TO  
CONTINUE TRIAL**

**ECF No. 245**

**(SIXTH REQUEST)**

Plaintiff Billy Cepero (“Plaintiff”) and Defendant James Bonkavich (“Defendant,” and together with Plaintiff, the “Parties”), by and through their respective counsel, submit this Stipulation and Order to continue the trial currently scheduled for June 27, 2023. The Parties request that the Court continue the trial to September 26, 2023, or as soon thereafter as is convenient for the Court.

The Parties submit that good cause exists to grant this stipulation.

As the Court knows, Mr. Cepero was transferred from High Desert State Prison to Lovelock Correctional Center (“Lovelock”) in November 2022 for the purpose of undergoing certain medical procedures relating to his injuries. During that time, his counsel was largely unable to meaningfully communicate with Mr. Cepero, as unlike High Desert, the staff at Lovelock Correctional Center has indicated that they do not allow the arrangement of scheduled phone calls between counsel and

inmates. Counsel was therefore only able to speak to Mr. Cepero in short, 10-minute increments when he is able to call, and these calls cannot be scheduled in advance.

Within the last several weeks, Mr. Cepero was transferred from Lovelock Correctional Center to Ely State Prison. While his counsel tried to get further information about the purpose of this transfer and how it would affect Mr. Cepero's May 18 parole board hearing, the prison staff refused to disclose the information to counsel.

Recently, Mr. Cepero was transferred back to High Desert State Prison where he is believed to be awaiting his rescheduled parole hearing this month. Given this development, counsel believes it will be far less difficult to schedule meetings to prepare for trial. Moreover, if Mr. Cepero is granted parole this month as his counsel believes he will, he is expected to be released from prison by August. A trial date after his release from prison will significantly alleviate the burden of preparing for trial by meeting Mr. Cepero in prison and will eliminate the need for the Court to arrange to have him transferred to Las Vegas to attend trial.

For the reasons outlined above, the Parties stipulate and agree to continue the trial to the Court's September 26, 2023 trial stack, or as soon thereafter as is convenient for the Court.

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The Parties agree to the continuance requested herein.

IT IS SO STIPULATED.

Dated: June 5, 2023

Dated: June 5, 2023

SNELL & WILMER L.L.P.

MARQUIS AURBACH CHTD.

By: /s/ Dawn L. Davis

By: /s/ Tye S. Hanseen

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**ORDER**

**IT IS ORDERED** that the jury trial in this matter is continued from June 27, 2023, to November 14, 2023 at 9:00 a.m.

**IT IS FURTHER ORDERED** that the calendar call is continued from June 20, 2023 to November 6, 2023 at 1:30 p.m.

IT IS FURTHER ORDERED that all trial briefs, proposed voir dire, proposed jury instructions, exhibit lists and witness lists are due by noon on November 6, 2023.

  
UNITED STATES DISTRICT JUDGE

DATED: June 6, 2023.